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BMS objects to Interrogatory No. 4 on the grounds that it is vague, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. BMS further objects on the ground that information responsive to this interrogatory can be found in documents it has previously produced and the documents it is producing pursuant to its agreement with Plaintiffs.
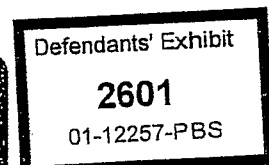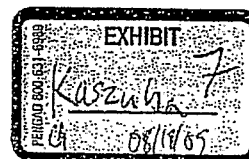
INTERROGATORY NO. 5:

With respect to each AWPID, please describe how you calculate the prices and/or data reported to Medical Economics *Red Book*, *First Data Bank* or MediSpan or any other such entity that gathers and publishes either "average wholesale prices" or "wholesale acquisition costs."

ANSWER:

BMS objects to Interrogatory No. 5 on the grounds that it is vague, overly broad, and unduly burdensome. Subject to the foregoing Preliminary Statement and General Objections, BMS states as follows:

Generally speaking, there is a multi-step information flow between BMS and the above publications. In "Step 1," someone from the finance department within BMS sends to the "Pricing Administration" department either a price on a new drug or a price increase on an existing drug (the latter usually expressed as a percentage figure, i.e. 5% increase, from the earlier price). In "Step 2," Pricing Administration inputs the information into the BMS internal computer system. In "Step 3" customers are notified of the new prices. This is done via Western Union Mailgram and fax or email. In "Step 4" the publications are notified. Prior to August 2001, Pricing Administration sent to the publications only Wholesale List Price ("WLP") and Direct List Price ("DLP"). In August 2001, Pricing Administration began to send a single "List Price" instead of a WLP and a DLP. Each publication received the exact same information from BMS. In

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"Step 5" the publication generally sends a "report" back to BMS demonstrating what it has done with the information BMS has provided. Such reports usually show the WLP/DLP and AWP.

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